GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

All India Services – IPS – Disciplinary Proceedings initiated against Sri A.B. Venkateswara Rao, IPS (1989), former Additional Director General of Police, Intelligence (now Retired) – Dropping all further proceedings – Orders – Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O. Rt. No.2197 Dated:21.12.2024

Read the following:-

1. G.O.Rt.No.2000, General Administration (SC.D) Department, dated:18.12.2020
2. Govt. Letter No.GAD01-PERS0-IPS(DISC)/3/2020-SC.D, Dt. 23.07.2021.
3. From the Ministry of Home Affairs, GoI, Lr.No.26011/54/2020-IPS-II, dt. 10.01.2023 along with advice of the UPSC in Letter No. 3/427/21-S.1 dated 21.10.2022.
4. Govt. Letter No.GAD01-PERS0-IPS(DISC)/3/2020-SC.D, Dt. 17.05.2023.
5. From the Ministry of Home Affairs, GoI New Delhi Lr. No.26011/54/2020-IPS-II, dt.24.01.2024 with the advice of UPSC Lr.No.3/02/2020-S.1, dated:01.01.2024
6. From the Learned Advocate General, Lr.No.827/2024, dated:09.12.2024 (Opinion No.130/2024)

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ORDER:

Whereas, in the G.O. 1st read above, charges were framed against Sri A.B. Venkateswara Rao, IPS (1989).

2. Subsequently, written statement of defence was submitted by Sri A.B. Venkateswara Rao on 11.01.2021. Inquiring authority was appointed vide G.O.Rt.No.429, G.A. (SC.D) Dept. dated 08.03.2021. The inquiring authority has submitted the Inquiry Report holding two out of three charges as proved.

3. The Inquiry Report was communicated to the MoS vide Memo. dated:30.04.2021 for his representation. Sri A.B. Venkateswara Rao, IPS (1989) has submitted his representation dated:18.05.2021. Govt. after examining his representation with reference to the findings of Inquiring Authority, took provisional decision on penalty and addressed the Ministry of Home Affairs (MHA), Govt. of India vide letter dated:23.07.2021.

4. Subsequently, MHA, GoI vide letter dated:10.01.2023 communicated the advice of UPSC in letter No.3/427/21-S.1 dated 21.10.2022, wherein UPSC advised for imposition of penalty "Reduction in the time scale of pay by two stages till 31st May, 2024 and that Sri A.B.Venkateswara Rao will not earn increments of pay during such period and on expiry of the said period, the reduction will have effect of postponing future increments of his pay". The advice of UPSC was communicated to the MoS and Sri AB. Venkateswara Rao, IPS submitted his representations dated:02.03.2023 and 17.03.2023.

5. Government vide letter dated 17.05.2023 addressed the MHA, GoI for reconsideration of the advice given by UPSC. In reply, MHA, GoI vide Letter No. 26011/54/2020-IPS.II dated 24.01.2024 intimated that UPSC vide letter dated 01.01.2024 stated that it would not be feasible to reconsider the advice earlier tendered by the Commission.

6. The MHA, GoI has addressed a letter to the State Government on 13.03.2024 inviting the attention of its earlier letter dated 24.01.2024 and sought an intimation of the action taken against the concerned Member of Service. However, no action has been taken on UPSC's recommendation.

7. While the imposition of penalty as advised by UPSC is pending to be implemented, Sri A.B. Venkateswara Rao has attained the age of superannuation on 31.05.2024 and retired from service.

8. As Sri A.B. Venkateswara Rao has retired from service on 31.05.2024, and the penalty advised by UPSC was not implemented, the matter was examined in consultation with the Law Department. The Law Department, while quoting Supreme Court Judgments, has informed that in the instant case, since the officer, Sri A.B. Venkateswara Rao, IPS, has retired from service, the implementation of UPSC recommendation is no longer feasible and further informed that pay reductions and withholding of increments are penalties applicable only during active service, and once an officer retires, these measures become ineffective. The officer is no longer drawing a salary, and future increments cannot be withheld or reduced. Therefore, at this juncture, the implementation of the UPSC recommendations communicated through the MHA letters dated 10-01-2023 and 24-01-2024 is not enforceable in the eyes of the law after the officer's retirement.

9. The matter was further examined, keeping in view of the advice of Law Department and the opinion of the Learned Advocate General. It was noted that despite submission of inquiry report against Sri A.B. Venkateswara Rao, IPS, on 22.04.2021, deliberations on the quantum and nature of penalty between the State and Central Governments remained unresolved, leading to prolonged delays. In the meantime, Sri A.B. Venkateswara Rao attained superannuation on 31.05.2024, rendering the imposition of certain penalties, such as pay reductions or withholding increments, inapplicable. Further, it was noted that as per Rule 7(2) of

the AIS (D&A) Rules, 1969, major penalties like dismissal, removal, or compulsory retirement require an order from the Central Government. However, neither the UPSC nor MHA, GoI recommended the imposition of such major penalties in this case. The inquiry established that no financial loss was caused to the Government of Andhra Pradesh since all funds were returned by STCIL, and the tender process in question was cancelled on 24.12.2018. It was also noted that in examining the Article of charges, the IO had conducted research beyond AOC documents and PO submissions. No material benefit was found to have accrued to Sri A.B. Venkateswara Rao or his son as a result of the alleged violations.

10. It was observed that further enquiry into the allegations against a Member of Service who attained superannuation would also not yield any positive results in the already concluded disciplinary proceedings and probability of excavating any further evidence stands closed. The procedural delays also mean that the imposition of penalties under the All India Services (Discipline and Appeal) Rules, 1969, has become unfeasible. Once an officer retires, the scope of disciplinary actions narrows significantly, focusing primarily on pensionary benefits under the All India Services (Death-cum-Retirement Benefits) Rules, 1958. In this case, the inquiry findings did not justify nor propose withholding or recovering pensionary benefits.

11. The Learned Advocate General has also drawn attention to the Hon'ble Apex Court in the case of P.V. Mahadevan v. Managing Director, T.N. Housing Board, (2005) 6 SCC 636 had categorically held that departmental proceedings must not be protracted against a Higher Government Official and it is just and necessary to draw curtain and put an end to such enquiry. The Court held as follows:

> *"11. Under the circumstances, we are of the opinion that allowing the respondent to proceed further with the departmental proceedings at this distance of time will be very prejudicial to the appellant. Keeping a higher government official under charges of corruption and disputed integrity would cause unbearable mental agony and distress to the officer concerned. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for*

initiating the disciplinary proceedings, the appellant should not be made to suffer."

12. After careful examination of the entire issue and duly examining the matter in consultation with the Law Department and Learned Advocate General, Government have decided to drop all further proceedings against Sri A.B.Venkateswara Rao, IPS (1989) former Additional Director General of Police, Intelligence (now retired).

13. Accordingly, Government hereby drop all further proceedings against Sri A.B.Venkateswara Rao, IPS (1989) (now retired).

14. The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
CHIEF SECRETARY TO GOVERNMENT

To

Sri A.B.Venkateswara Rao, IPS. (1989) (Retd.)
(through the DGP (HoPF), AP, Mangalagiri).
The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri.
Copy to
The Principal Secretary to Government, Home Department
The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi – 110001
The General Administration (SC.C/SC.E) Department
The Home (SC.A) Department
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//FORWARDED::BY ORDER//

SECTION OFFICER (SC)